

**REMARKS****Status of the Claims**

Claims 1, 5-8, 12-14, and 18-20 are currently presented in the Application, and claims 1, 8, and 14 are independent claims. In this amendment, claims 1, 8, and 12-14 have been amended, and claims 4, 11, and 17 have been canceled. Applicants are not conceding in this Application that those canceled claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the Examiner. Applicants respectfully reserve the right to pursue these and other claims in one or more continuation and/or divisional patent applications.

In particular, Applicants have amended independent claim 1 to include limitations previously found in dependent claim 4, and have therefore canceled claim 4. Similarly, Applicants have amended independent claims 8 and 14 to include limitations previously found in dependent claims 11 and 17 respectively, and have therefore canceled claims 11 and 17.

Also note that Applicants have amended independent claim 8, and dependent claims 12 and 13 to that the financial impact analysis tool includes a set of instructions that are executed by the processors to perform the claimed actions. Support for these amendments is found, for example, in Applicants' specification on page 97, line 20 through page 98, line 9. No new matter has been added as a result of the amendments to the claims.

**Examiner Interview**

Applicants wish to thank the Examiner for the courtesy extended to Applicants' attorney during a telephone interview on Thursday, October 11, 2007. During the interview, claim 1 was discussed with regard to the Roman reference (see below for further details). Applicants' attorney explained that Applicants' claim determining an additional severance amount, which is added to the base severance amount, for a selected set of employees. In contrast, Roman calculates a premium cost for each retiring employee, but does not then calculate an additional severance amount for a

selected set of the employees. The Examiner indicated that he will take Applicants' arguments under consideration upon receiving a formal response. No agreement was reached regarding the claims during the interview.

### **Claim Rejections Under 35 U.S.C. § 102 and 35 U.S.C. § 103**

Claims 1 and 4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Roman, *Impact of an Early Retirement Program: A Case Analysis of a Community College*, 1999 (hereinafter Roman). Claims 1 and 4-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Roman. Claims 8, 11-14, and 17-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Roman in view of Tamatsu et al., U.S. Patent Application Publication No. 2004/0162771 (hereinafter Tamatsu). Applicants respectfully traverse the rejections under 35 U.S.C. § 102 and § 103.

As noted above, claims 4, 11, and 17 have been canceled, and therefore the rejections to these claims are now moot. Applicants have amended independent claim 1 to include limitations previously found in dependent claim 4, and have therefore canceled claim 4. Similarly, Applicants have amended independent claims 8 and 14 to include limitations previously found in dependent claims 11 and 17 respectively, and have therefore canceled claims 11 and 17. Further support for Applicants' amendments is found, for example, in Applicants' specification on page 88, line 24 through page 90, line 5 (also see Figure 36). No new matter has been added as a result of the amendments.

Applicants teach and claim a method, information handling system, and computer program product for analyzing the financial impact of a resource reduction action. Roman discusses an early retirement program at a college. Tamatsu discloses a method and system for "evaluating individuals and groups within an organization," (see Tamatsu, Abstract). Applicants respectfully submit that neither of the cited references, either alone or in combination, teach or suggest all the elements of Applicants' independent claims, as amended. Using independent claim 1 as an exemplary claim, Applicants teach and claim determining a severance amount for each employee, calculating a total severance amount, and then comparing the total severance amount to a budgeted severance amount. The severance pay formula is

then modified in response to the comparison and the severance amount is re-determined for each employee. Applicants then claim the following elements:

- in response to the recalculating, comparing each of the surplus employee data records to one or more additional compensation guidelines, wherein one or more of the additional compensation guidelines are selected from the group consisting of organizational guidelines, local laws, state laws, and national laws;
- determining additional severance pay amounts, based on the additional compensation guidelines, for a selected set of surplus employee data records, wherein the selected set of surplus employee data records includes one or more of the surplus employee data records; and
- adding the additional severance pay amounts to the re-determined severance pay amounts for each of the surplus employee data records in the selected set of surplus employee data records.

Thus, Applicants specifically claim determining ***additional*** severance pay amounts that are ***added to*** the re-determined severance pay amounts for a ***selected set of employees***. Neither Roman nor Tamatsu teaches or suggests these elements. The Office Action cites Roman as “comparing the data records to additional compensation guidelines set forth in § 3307.35 of the Ohio State Code,” and also cites Roman at Appendix E, Appendix G, and page 86, line 13 through page 87, line 5 (see Office Action, page 3). Although the cited sections of Roman discuss calculating a “premium cost” for retiring faculty members, Roman does not teach or suggest calculating any type of additional severance pay that is added to a base severance pay. Rather, Applicants submit that the cited sections of Roman are merely discussing a method for calculating a single premium cost for each retiring faculty member.

Appendix E of Roman is a section of the Ohio Revised Code that discusses determining the amount of service credit that may be purchased for any participant. The college may purchase service credits for a faculty member, so that the faculty

member is then eligible to retire under the guidelines set forth in the Ohio Revised Code and the collective bargaining agreement (Appendix G). The premium cost discussed by Roman on page 86, and shown in Appendix K, is specifically described as being “based on an algorithm using three factors.” In other words, a single algorithm is used for all retiring faculty members. The calculated premium cost for each retiring faculty member is listed in Appendix K. The algorithm disclosed by Roman may be analogous to either the severance pay formula or the modified severance pay formula, as taught and claimed by Applicants. Further, the premium cost disclosed by Roman may be analogous to either the severance pay amount or the modified severance pay amount as taught and claimed by Applicants. However, Roman does not then claim an additional severance amount, on top of the already-calculated severance pay amount, for a selected set of surplus employees, as taught and claimed by Applicants. Roman’s premium cost is a single severance amount that is calculated using the same algorithm for all employees. Roman does not then calculate an additional severance pay amount for a selected set of the employees, as taught and claimed by Applicants in claim 1.

In other words, the cost to purchase years of service credit is part of the initial premium cost calculation in Roman. Determining what it costs the college to purchase service credits is part of the algorithm that determines the premium cost for each retiring faculty member. And even if Roman adjusts the time frame of its retirement program, Roman is then modifying the algorithm that determines the premium cost for each retiring faculty member. However, Roman does not teach or suggest “comparing each of the surplus employee data records to one or more ***additional compensation guidelines***,” and then “determining ***additional severance pay amounts***, based on the additional compensation guidelines, for a ***selected set*** of surplus employee data records,” as taught and claimed by Applicants in independent claim 1. Nor does Roman teach or suggest “adding the additional severance pay amounts to the re-determined severance pay amounts for each of the surplus employee data records in the selected set of surplus employee data records,” as taught and claimed by Applicants in independent claim 1.

Although Tamatsu purports to teach a method and system for “evaluating individuals and groups within an organization,” Tamatsu does not overcome the deficiencies of Roman. In particular, Tamatsu does not teach or suggest “comparing each of the surplus employee data records to one or more additional compensation guidelines,” and then “determining additional severance pay amounts, based on the additional compensation guidelines, for a selected set of surplus employee data records,” as taught and claimed by Applicants in independent claim 1. Nor does Tamatsu teach or suggest “adding the additional severance pay amounts to the re-determined severance pay amounts for each of the surplus employee data records in the selected set of surplus employee data records,” as taught and claimed by Applicants in independent claim 1.

For the reasons set forth above, Applicants respectfully submit that independent claim 1 is not anticipated by Roman. Further, independent 1 is patentable over Roman and/or Tamatsu. Independent claims 8 and 14 include limitations similar to those found in independent claim 1 and are therefore patentable for at least the reasons discussed above with regard to independent claim 1. Each of remaining claims 5-7, 12, 13, and 18-20 depend from an allowable independent claim, and are therefore also patentable for at least the reasons discussed above.

### **Conclusion**

As a result of the foregoing, it is asserted by Applicants that the remaining claims in the Application are in condition for allowance, and Applicants respectfully request an early allowance of such claims.

PATENT

Applicants respectfully request that the Examiner contact the Applicants' attorney listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining questions or issues related to this Application.

Respectfully submitted,

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